

ORIGINAL

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

RECEIVED  
DEC 8 2005

Illinois Commerce Commission  
RAIL SAFETY SECTION

Illinois Central Railroad Company,

Petitioner,

v.

Neoga Township, the City of Neoga and the State of Illinois,  
Department of Transportation,

Respondents.

T05-0007

Petition of Illinois Central Railroad Company seeking an order of closure of the at-grade crossings of Cemetery Road/ TR-67 (DOT 289 160P; railroad milepost 185) and TR-85 (DOT 289 161W; railroad milepost 185.65) and the Illinois Central Railroad Company's tracks, and an order of installation of automatic flashers and gates at the crossing of TR-85A (DOT 289 162D; railroad milepost 186.16) and the Illinois Central Railroad Company's tracks, all in Neoga Township, Cumberland County, Illinois.

**MOTION FOR LEAVE TO WITHDRAW PETITION AND FOR  
DISMISSAL OF THIS DOCKET**

Now comes Illinois Central Railroad Company ("IC") with its Motion for Leave to Withdraw Petition and for Dismissal of this Docket, and states as follows:

1. This matter is currently set for hearing on December 13, 2005.
2. Upon review of what has been disclosed through the discovery process and of what has been negotiated, IC believes the crossing issues in Neoga Township would be better solved through a negotiated process leading to a stipulated agreement.
3. If IC and the City of Neoga and Township of Neoga, along with Cumberland County, were to reach a stipulated agreement on crossing alterations or improvements, IC believes it is best to bring a stipulated agreement to the Commission for approval under a new docket.

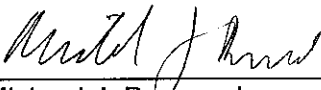
DOCKETED

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WHEREFORE, Illinois Central Railroad Company respectfully requests the Commission to grant it leave to withdraw its Petition, to dismiss this Docket, and to direct that each party shall bears it own costs.

Dated at Homewood, Illinois this 6<sup>th</sup> day of December, 2005.

ILLINOIS CENTRAL RAILROAD COMPANY

By 

Michael J. Barron, Jr.  
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ARDC 6228809

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**ILLINOIS COMMERCE COMMISSION**

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**NOTICE OF FILING**

Mr. Carl M. Webber  
Webber & Thies, P.C.  
202 Lincoln Square  
Urbana, IL 61801

Mr. Ben Bland  
Cumberland County Highway Engineer  
800 East Industrial Drive  
Toledo, IL 62468

Mr. Lloyd A. Lacy  
Neoga Township, Supervisor  
590a County Road 750N  
Neoga, IL 62447

Ms. Doris McKay  
Neoga Township, Clerk  
88 County Road 1400 N  
Neoga, IL 62447

Mr. David D. Johnston  
Neoga Township Highway  
Commissioner  
608 County Road 1000 N  
Neoga, IL 62447

Mr. Jay Russell  
City of Neoga, Mayor  
P.O. Box 248  
Neoga, IL 62447-0248

Mr. Victor A. Modeer  
Director of Highways, IDOT  
ATTN: JEFF HARPRING, ROOM 205  
2300 South Dirksen Parkway  
Springfield, IL 62764

Mr. Michael Stead  
Rail Safety Program Administrator  
Illinois Commerce Commission  
527 E. Capital Avenue  
Springfield, IL 62701

Ms. Ellen Schanzle-Haskins  
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527 E. Capitol Avenue  
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John O. Cutright  
Cutright & Cutright Law Office  
P.O. Box 97  
Toledo, IL 62468

PLEASE TAKE NOTICE that we have on this 6<sup>th</sup> day of December, 2005, sent for filing with the Illinois Commerce Commission, the attached Motion for Leave to Withdraw Petition and for Dismissal of this Docket in the above captioned matter, a copy of which is hereby served upon you.

ILLINOIS CENTRAL RAILROAD COMPANY

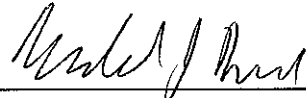
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## CERTIFICATE OF SERVICE

I, MICHAEL J. BARRON, JR., an attorney, certify that I served the foregoing Motion for Leave to Withdraw Petition and for Dismissal of this Docket upon the respondents made parties to this proceeding by enclosing copies of the foregoing in envelopes addressed to the parties as set forth below, postage prepaid, and depositing the envelopes in the United States Mail at 17641 S. Ashland Avenue, Homewood, IL on the 6<sup>th</sup> day of December, 2005.



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